

**PERFORMANCE STANDARDS
OF THE
BOSTON MUNICIPAL COURT DEPARTMENT**



Honorable Charles R. Johnson, Chief Justice

**Boston Municipal Court Department
Mission Statement:**

Given our unique responsibility to advance the fair administration of justice, the Boston Municipal Court Department is devoted to the rule of law through the conscientious and expeditious resolution of disputes, with a commitment to restoring the human spirit through correction, education, respect and compassion.

June, 2005



CHARLES R. JOHNSON
CHIEF JUSTICE

BOSTON MUNICIPAL COURT DEPARTMENT

TRIAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

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Dear Colleague:

Thank you for your commitment to improving the delivery of justice in the Boston Municipal Court Department. The purpose of the Performance Standards of the Boston Municipal Court Department is to provide ways to enhance professionalism within the Department and thereby increase the trust and confidence of the people it serves.

The significance of these Standards lies not only in their creation but also in the very process by which these Standards were developed. Based on the findings and recommendations of the Visiting Committee on Management in the Courts, Chief Justice Robert A. Mulligan instituted a Trial Court-wide initiative charging each Trial Court Department to develop a performance standard initiative. To this end, I created the Boston Municipal Court Department Committee for Professional Enhancement under the leadership of Judge Kathleen Coffey and Clerk Magistrate Anthony Owens. The Committee, composed of judges, magistrates, probation and court officers and front line support staff from various divisions within the Department, was assigned the task of developing performance standards that would enhance professionalism throughout the Department and increase its effectiveness, timeliness, accountability and performance.

In making its recommendations, Committee members visited the eight divisions of the Department, speaking to judges and employees, including clerical and administrative personnel, clerk-magistrates and assistant clerks, probation officers, court officers, and members of the maintenance staff about the mission of the Department and ways to enhance professionalism and to thereby increase public trust and confidence in the administration of justice throughout the Boston Municipal Court Department. At the conclusion of its work, the Committee issued to me a series of recommendations to enhance professionalism throughout the Department. The Boston Municipal Court Department Standards were formulated as a result of the Committee's report and are the product of the ideas and suggestions presented by our co-workers. Inherent in these Standards is a sense of pride and commitment to the work we do each day in dispensing justice.

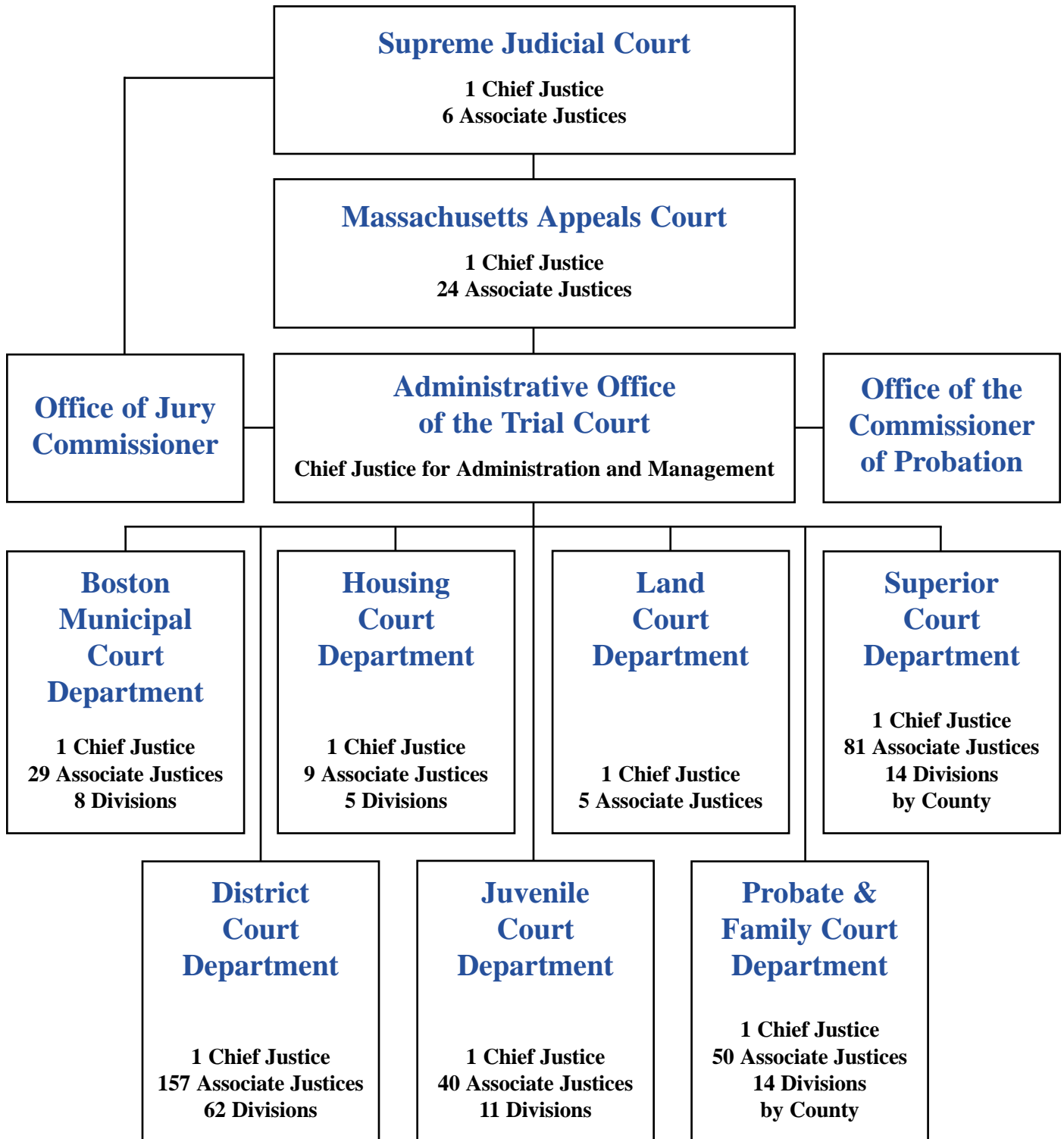
To be successfully implemented, these Standards will require teamwork and cooperation by department heads and employees alike. While these Standards provide general guidelines by which court personnel can enhance the quality of their work, they are not a complete statement of the methods and conduct that result in professional excellence. Within the framework of these Standards, much is left to the discretion of court leaders and employees themselves to find ways to meet this challenge. I have great confidence in your ability to achieve this objective.

Thank you again for your commitment to excellence.

Sincerely,

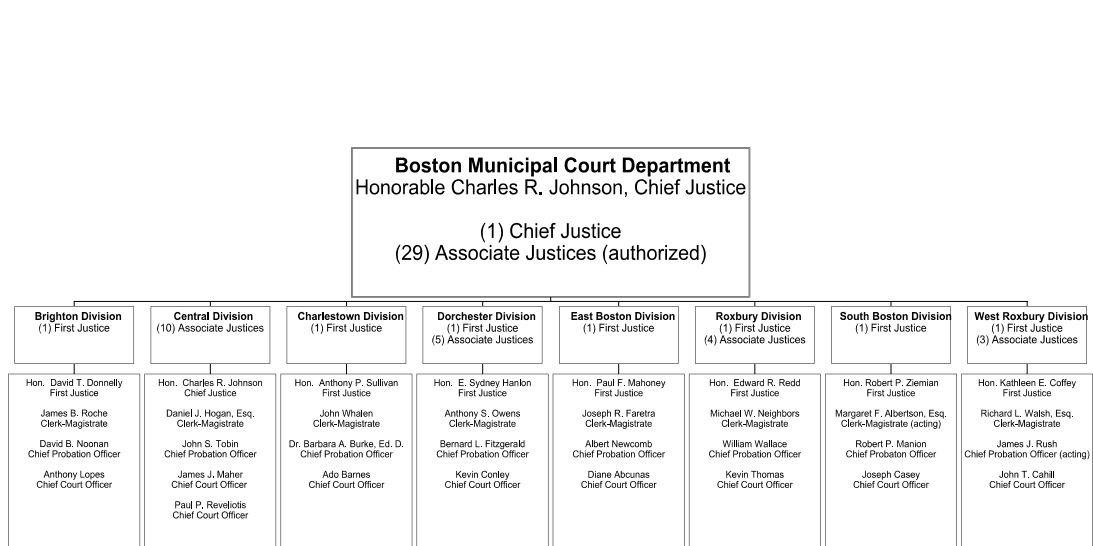
Charles R. Johnson
Chief Justice

THE MASSACHUSETTS COURT SYSTEM



The number of justices for all Courts is the maximum authorized by statute; the actual number of judges varies depending on vacancies.

Boston Municipal Court Department



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A. COURT FACILITIES

1. SAFETY

- Security personnel should establish a security presence at the courthouse by being visible and accessible to the public and court employees.
- Security personnel shall treat the public and court employees with respect and courtesy upon entering the courthouse.
- Security personnel should conduct a security review of all parties entering the court as promptly and respectfully as possible and in a manner that is consistent with Trial Court security policy.
- Security personnel should assist the public in locating their courthouse destinations.
- Smoking is prohibited in the courthouse or on court property except in designated smoking areas.
- Public parking on courthouse property shall be clearly marked and maintained for safety.
- In the event of high-profile disputes, the Clerk Magistrate should work cooperatively with security personnel and the First Justice to formulate a security plan.

2. MAINTENANCE

- Courthouse grounds shall be kept free from litter, snow and debris.
- Restrooms shall be clean and free from graffiti and other offensive writings.
- Exterior designated smoking areas shall be clearly marked and sufficient trash receptacles shall be provided for smoking debris.

3. ACCESSIBILITY

- Courthouse signage should be clear and prominently positioned to assist parties in reaching their destination. Where foreign language is

frequently spoken, signage should also be displayed in the foreign language.

- Larger courts should place information kiosks in a centrally located position to assist in answering questions and providing court locations.
- Daily assignment lists identifying court activity for each session shall be displayed in a centrally located public area.
- Courthouse staff should be available to answer all inquiries about courthouse hours, business practices and location.
- Public address systems should be used to inform parties of the start of each session and to advise parties of their required attendance.
- Staff lunch hours should be staggered to ensure that full service is available to the public.
- The ADA Coordinator for each court should seek technology from the Administrative Office of the Trial Court for the hearing and sight impaired.
- Designated interpreter liaisons should promptly request interpreters where for civil and criminal cases when needed.

4. DECORUM

- Employees shall refrain from smoking on or adjacent to property of the courthouse unless such areas are designated as smoking areas.
- Employees shall refrain from eating and drinking in the public areas of the courthouse.

B. COURTROOM PROCEEDINGS

1. DECORUM

- Court personnel shall treat parties with respect and courtesy.
- Courtroom proceedings shall be conducted in a courteous and respectful manner.
- Each session shall commence with an informative greeting advising the public of the name of the sitting justice, purpose of the session, rules of behavior and location of other courthouse business. Greetings shall be repeated as often as needed during the running of the session.
- Sessions shall commence at assigned times. The public should be informed of any delays.
- Court personnel shall ensure that all parties are in place in the courtroom before court commences.
- When court is in session or in recess, proper decorum shall be maintained in the courtroom, including the following:
 - No eating, drinking, or chewing gum in the courtroom.
 - The judge should use his/her discretion to maintain proper courtroom attire. No party seeking emergency relief shall be barred from the courtroom because of what may be deemed inappropriate dress.
 - All beepers, cellular telephones and electronic devices must be turned off before entering the courtroom.
 - No use of court phones in the session for private business.
 - No reading of newspapers or books by the audience in the courtrooms particularly if use of such material may be a distraction to others.
 - No use of computers for non-court related activity.
- It is the responsibility of the judge or court officer to address any breach of decorum in a manner that will minimize disruption to the court proceeding.

- Access to the prisoners located in the dock is limited to court personnel, unless authorized by the Judge, and if in recess, by the Court Officer.

2. SECURITY

- Consistent with any existing Trial Court policy, security personnel shall conduct a general security check of the courtroom upon his/her first entry each morning and upon his/her last exit each evening.
- Consistent with Trial Court policy, assigned security personnel shall maintain order in the courtroom at all times.
- Court employees shall inform the justice presiding of all security and other issues of concern.
- The judge presiding shall be sensitive to any security breach or potential security challenge in the courtroom and shall notify the court officer of such immediately.
- In the event of high-profile disputes, the Clerk Magistrate should work co-operatively with security personnel and the First Justice to formulate a security plan.

3. PRACTICE

- The justice presiding shall direct the conduct and business of the court session.
- Judges should explain courtroom procedures as often as possible to the public.
- The Clerk shall call the list in a fair and orderly manner in order to expedite case flow.
- Court employees from each department (clerk's office, probation, judges' lobby) are expected to work co-operatively in ensuring the orderly and efficient flow of business.
- Judges and court personnel should seek to comply with announced recesses.
- Courtroom personnel should encourage parties to work cooperatively during recesses in order to promote discussion, resolution, preparation and readiness of cases for the return of the judge.

- Courtrooms shall be properly stocked with court forms and employees shall be familiar with such forms and their application in court proceedings.
- Within funding constraints, courtrooms should be equipped with properly maintained amplification and recording equipment.
- Available technology shall be utilized to ensure fast and efficient service to all parties.

4. JURY SESSION

- Courthouse signs shall provide clear directions to the jury room.
- Jurors should be provided clean, safe and comfortable space.
- Jurors shall be treated with respect and courtesy and court personnel shall seek to affirm the importance of juror service to the administration of justice.
- A member of the judiciary shall greet all jurors at the start of each day to thank them for their participation, explain the court procedure and business of the day, and address any concerns.
- Jurors shall receive timely updates regarding the necessity for their continued presence.
- Judges shall release jurors by thanking them for their service and recognizing the importance of their presence and participation as jurors in the administration of justice.

C. NON-COURTROOM PRACTICES AND PROCEDURES

1. FRONT COUNTER

- The front counter staff of each department shall promptly and courteously greet anyone approaching the counter and offer information and assistance.
- Court staff shall speak in clear, concise terms that are easily understood by the general public.
- Interpreters should be promptly notified when needed to assist members of the public.
- Employees shall maintain professional confidentiality. Court business should not be discussed in common areas inside or outside the courthouse.
- When appropriate, staff may suggest alternate resources and referrals.
- Staff should stagger lunch hours to ensure that full service is available to the public.

2. TELEPHONE ETIQUETTE

- Each telephone call to the court shall be answered promptly, courteously and professionally.
- Parties answering the phone shall identify the court department.
- Where applicable, voice mail messages shall indicate the name and availability of the staff person.
- Calls shall be returned within a reasonable period of time.

3. MAIL / FAX / E-MAIL

- Employees shall respect the privacy and confidentiality of information obtained by any access to the mail, faxed documents, or electronic communication.

4. CLERK'S HEARINGS

- Hearings shall be held in a suitable location that demonstrates respect for both the court event and the parties.
- All hearings shall be conducted in a fair and respectful manner.
- The Clerk Magistrate shall utilize practices and procedures that allow for the orderly scheduling and completion of hearings.
- Interpreters shall be utilized when needed.

5. RECORD INTEGRITY

Office of the Clerk Magistrate

- The Clerk Magistrate shall maintain court records in a manner that ensures their integrity and reliability and that is consistent with his/her statutory obligation.
- Records shall be stored in a systematic manner that allows for the timely and efficient retrieval of files both for use by court personnel and for access to public records by the public under the supervision of the Clerk.

Probation Department

- Probation records shall be available for court sessions in a timely manner.
- Consistent with the statutory authority of the Commission of Probation, records of the Probation Department shall be maintained in a manner to ensure their reliability and integrity.
- Probation records shall be updated daily. For public safety reasons, particular attention shall be paid to family abuse, 209A orders, and warrants.

6. OUT OF COURTHOUSE ACTIVITIES

- All employees representing the court within the community, either by contract or assignment, shall conduct themselves in a respectful and competent manner.

7. MANAGEMENT

- First Justices and department heads should focus on the ‘team concept’ approach and seek to develop ways to build consensus and to work collaboratively and cooperatively.
- Managers should encourage and employees should seek cross-training opportunities in order to meet court needs and for professional advancement.

ACKNOWLEDGEMENT

These Standards were formulated through the hard work of the Boston Municipal Court Department Committee for Professional Enhancement. I thank the Committee members for their contributions to this important initiative.

Boston Municipal Court Department Committee for Professional Enhancement

Honorable Kathleen E. Coffey, First Justice, West Roxbury Division, Co-chair
Clerk Magistrate Anthony Owens, Dorchester Division, Co-Chair
Honorable Patricia E. Bernstein, Central Division
Honorable David Donnelly, First Justice, Brighton Division
Jack Cahill, Chief Court Officer, West Roxbury Division
Anne-Marie Gioia, Head Administrative Assistant, East Boston Division
John H. Leary, Assistant Chief Probation Officer, South Boston Division
Patricia F. McDermott, First Assistant Clerk-Magistrate, Roxbury Division
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Cheryl A. Sibley, Esq., Court Administrator